

**108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM No.M-15196 of 2016
Date of Decision: May 05, 2016**

Johny Mathew

.... Petitioner

vs.

The Government of India and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Petitioner in person.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Kuldip Singh J.(Oral)

Petitioner Johny Mathew has filed this petition under Section 482 Cr.P.C. for issuing appropriate direction, as respondent No.1-the Government of India is not conducting the detailed inquiry into his complaint dated 16.11.2015 (Annexure A-1). It is claimed that the Division Bench vide its order dated 29.01.2016 passed in CWP No.16592 of 2015 given liberty to the the petitioner to seek redressal of his grievances through appropriate proceedings regarding some discrepancies and deficiencies in the functioning of the DRT-1.

I have heard petitioner in person.

It comes out that some litigation under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 was pending against the present petitioner before the Debt Recovery Tribunal-1, Chandigarh, in which some orders were passed against him. According to the petitioner, he had challenged the said orders before this Court. It also comes out that

previously also, the petitioner filed CRM-M No.37986 of 2015, decided on 08.01.2016, wherein he had sought inquiry regarding his complaint dated 10.03.2004 (read as 10.03.2014) against the Chairman, DRAT, Delhi to cover the corruption at DRT-1, Chandigarh.

A perusal of the contents of the complaint (Annexure A-1) shows that almost similar allegations have been levelled against the Presiding Officer of DRT-1, Chandigarh in CRM-M No.37986 of 2015.

The following order was passed in the said petition by this Court:

“Petitioner has filed this petition under Section 482 Cr.P.C. for issuance of appropriate directions, in view the fact that respondent No.1 has not conducted an inquiry on his complaint dated 10.03.2004 (Annexure A-1) and Chairman, DRAT Delhi to cover the corruption at DRT-1, Chandigarh and to avoid action, dismissed his appeal No.284 of 2014 without any justification and thereafter, on the basis of dismissal of application under Section 17 (1) and its appeal 'Company' filed an application under Section 14 of the SARFAESI Act, 2002 and got favourable order on 09.06.2015 without having statutory documents and dispossessed the applicant from the flat, violating the order of District Magistrate and is not acting fairly and is causing great prejudice to the petitioner. Therefore, a direction be issued to investigate the case by an officer not below the rank of Deputy Superintendent of Police of any independent efficient agency, preferably by Central Bureau of Investigation, as per law on the basis of complaint (Annexures A-1, A-2 and A-8) filed by the petitioners and investigate the

corruption involved in issuing orders dated 08.11.2013, 21.01.2015 and 09.06.2015.

I have heard the petitioner, who is present in person and have also carefully gone through the case file.

It comes out that the Debt Recovery Tribunal-1, Chandigarh had passed some orders against the present petitioners. The petitioner is not satisfied with the said orders and claimed that the said orders are passed illegally. He had filed some complaints before the higher authorities and claimed that his case may be reinvestigated by the Central Bureau of Investigation.

I am of the view that the present petition is nothing but a pressure tactics to misuse the process of court/law. Debt Recovery Tribunal-1, Chandigarh had passed some judicial orders, which can be challenged before the appropriate authority. For passing the judicial orders, the Presiding Officer of the Debt Recovery Tribunal cannot be prosecuted in the manner sought by the petitioner.

As such, there is no ground to invoke the inherent powers of this Court under Section 482 Cr.P.C. Accordingly, the present petition stands dismissed.”

In the present petition, the petitioner has not mentioned about the decision in the abovenoted petition. Therefore, prima facie, it is concealment of facts.

It appears that after availing the previous remedy, another complaint was filed and on that basis, another writ petition was filed. The Division Bench never gave the liberty to the petitioner to approach a Single Bench of this Court by way of petition. The petitioner has misinterpreted the order Annexure A-2 passed by the

Division Bench of this Court on 29.01.2016, giving liberty to the petitioner to seek redressal of his grievance through appropriate proceedings.

It being so, the present petition is nothing but misuse of process of court and is accordingly dismissed.

May 05, 2016
sarita

(KULDIP SINGH)
JUDGE